

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL MARIN, #267821,

Petitioner,

v.

CASE NO. 2:14-CV-11436
HONORABLE GERALD E. ROSEN

LLOYD RAPELJE,

Respondent.

_____ /

ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL

This is a habeas case brought pursuant to 28 U.S.C. § 2254. Petitioner, a Michigan prisoner, is challenging the validity of his plea-based convictions for conducting a criminal enterprise and delivery of over 45 kilograms of marijuana, second offense, for which he was sentenced to concurrent terms of 6 ½ years to 25 years imprisonment. This matter is before the Court on Petitioner's motion for appointment of counsel. Petitioner states that he cannot afford counsel, that he has been transferred to a county jail for housing, that he has limited access to legal materials, and that the issues in this case are complex. Petitioner has filed his habeas petition and supporting documents, but Respondent has not yet filed an answer to the petition or the state court record.

Petitioner has no absolute right to be represented by counsel on federal habeas review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United*

States v. Madden, 352 F.2d 792, 793 (9th Cir. 1965)).

Petitioner has submitted pleadings in support of his claims. Neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); Rules 6(a) and 8(c), Rules Governing Section 2254 Cases. Accordingly, the Court **DENIES** Petitioner's motion for appointment of counsel. The Court will bear in mind Petitioner's request if, upon further review of the case, the Court determines that appointment of counsel is required. Petitioner need not file an additional motion as to this issue.

IT IS SO ORDERED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: September 16, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 16, 2014, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135